

4/14/2021 11:48 am

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SCOTT GARCIA,

For Online Publication Only

Plaintiff,

-against-

ORDER
20-CV-04303 (JMA) (AYS)

PETER BARK AND LAURENCE A.
SILVERMAN AND ASSOCIATES,

Defendants.

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AZRACK, United States District Judge:

On September 18, 2020, Scott Garcia (“Plaintiff”), acting pro se, filed a complaint and an application to proceed in forma pauperis in this Court. (ECF Nos. 1, 2.) He listed his address as the Suffolk County Correctional Facility. (ECF No. 1.) On September 23, 2020, the Court sent Plaintiff a letter acknowledging receipt of this action (the “Letter”). (ECF No. 5.) On October 7, 2020, the Letter was returned to the Court as undeliverable and marked as “Discharged/Return to Sender/No Mail Receptacle/Unable to Forward.” (ECF No. 6.) On December 3, 2020, the Court ordered Plaintiff to file a Notice of Change of Address providing the Court with a new address and telephone number at which plaintiff could be contacted during the course of this litigation on or before December 23, 2020. (ECF No. 7.) The order also cautioned that a failure to timely comply may lead to the dismissal of the complaint without prejudice for failure to prosecute. (Id.)

To date, Plaintiff has not provided the Court with a new address or telephone number or otherwise responded to the Court’s order.

Given that Plaintiff has not kept his address current, has not responded to the Court’s December 3, 2020 order, and has not otherwise communicated with the Court since filing his complaint and application to proceed in forma pauperis, the complaint is dismissed without

prejudice pursuant to Federal Rule of Civil Procedure 41(b). The Clerk of Court is respectfully directed to enter judgment and close this case. The Clerk is further directed to mail a copy of this Order to the pro se plaintiff at his last known address.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: April 14, 2021
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE